



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to:	Issuance Date:
Public Notice No. 200301379	December 23, 2003
Application No.:	Expiration Date:
UN Trib Mud River	January 23, 2004
Address comments to:	US Army Corps of Engineers, Huntington District 502 Eighth Street ATTN: CELRHE Huntington, West Virginia 25701-2070

PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Hobet Mining, Inc.
P.O. Box 305
US Route 119 South, Shafer Road Exit
Madison, West Virginia 25130

LOCATION: The proposed project is located in numerous unnamed tributaries of Mud River, approximately four miles southeast of the community of Spurlockville, in Lincoln County, West Virginia as depicted on the Attachments A and X-1.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place dredged or fill material into 18,345 linear feet of jurisdictional streams in conjunction with the Westridge No. 3 Surface Mine. The proposal would involve the construction of three valley fills, one road fill, three sediment ponds, and one access haul road. The construction of the proposed valley fills and road fill would result in the permanent discharge of fill material into approximately 13,685 linear feet of jurisdictional streams. Of this total, approximately 10,267 linear feet consist of intermittent stream channels while 3,418 linear feet consist of ephemeral stream channels. The proposed valley fills would affect watersheds of less than 250 acres. **Table A** (attached) details the contributing drainage areas to be affected by the proposed valley fills. The construction of the proposed sediment ponds and haul road would result in the temporary placement of dredged or fill material into 780 linear feet of intermittent stream channels. Further, the proposed operation would also involve mining through streams to remove the underlying coal reserves in four unnamed tributaries of Mud River. This proposed activity would temporarily impact approximately 2,428 linear feet of ephemeral stream channels and 1,452 linear feet of intermittent stream channels. **Table B** (attached) details the individual stream impacts and corresponding information.

Approximately 1,303 cubic yards of unspecified, non-toxic, durable material would be discharged within the Corps' regulatory jurisdiction in conjunction with construction of the proposed structures. **Table C** (attached) summarizes the proposed discharges and associated volumes within the Corps' regulatory jurisdiction.

The mineral removal area on the permit is to be mined with loaders and dozers. Area mining would be utilized on the Kittanning seams. The majority of the 5-Block reserve would be area mined with the remainder being contoured with augering and/or highwall mining. Contouring and point removals would occur on the Stockton and Coalburg seam levels with augering and/or highwall mining occurring within both seams. The West Virginia Department of Environmental Protection (WVDEP) is currently evaluating the applicant's Surface Mining Permit No. SMA S-5002-03 and WVNPDES Permit No. WV1020889 applications pursuant to the Surface Mining Control and Reclamation Act and Section 402 of the CWA respectively. The anticipated life of the project is approximately 60 months.

Activities on the Westridge No. 3 Surface Mine would be accomplished in four phases. A discussion of each phase is below.

Phase I. During Phase I, construction of the Main Access Road would begin. In conjunction with building the main access road, clearing would be ongoing in the road fill area along with the construction of Pond 4. Clearing would also be ongoing in the eastern fork of Valley Fill 3 upon construction of Pond 3. Clearing would also be initiated in Valley Fill 2 upon construction of Pond 2. Overburden generated from the construction of the main access road up to the Coalburg elevation would be placed in the Road Fill 1.

Phase II. During Phase II, mining would begin on the Coalburg seam at the intersection of the main access road with the Coalburg outcrop and progress to the east toward and around Valley Fill 3. The remainder of Valley Fill 3 would be cleared. Mining would begin in the Stockton seam along the contour between Valley Fill 2 and Valley Fill 3. Mining would also be started on the Kittanning seams in the eastern half of the reserve area. Mining would be initiated in the 5-Block seam on the west side of Valley Fill 3 and progress to the east. The majority of the excess overburden generated from mining during this phase would be placed in Valley Fill 3. The remaining excess overburden would be placed in Valley Fill 2 and back on the 5-Block bench. Some additional overburden generated from the Coalburg and Stockton cuts directly above the Road Fill would be placed on top of the road fill in order to level it out at the Stockton elevation. Reclamation during this phase would include the face of the Road Fill 1. At the end of Phase II, approximately 2 acres would be reclaimed, with approximately 303 acres disturbed.

Phase III. During Phase III, clearing would be initiated in Valley Fill 1 during the construction of Pond 1. Mining would continue to advance to the north and east on all seams. Material would be placed in all three valley fills and would be used to reclaim the remaining highwall and backstack areas during this phase. As this phase ends, mining on the permit would be approaching completion. Reclamation during Phase III would include the reclamation of Valley Fill 2 and surrounding backstack area. The face of Valley Fill 3 as well as a portion of the deck and surrounding backstack areas would also be reclaimed during this phase. Reclamation would be advancing behind mining in the east side of the permit area. At the end of Phase III, approximately 136 acres would be reclaimed, with approximately 328 acres disturbed.

Phase IV. Mining in the eastern limits of the permit would be completed early in this phase. All final highwalls would be reclaimed in this phase. Reclamation of Valley Fill 1 and all disturbances would be completed during this phase. The only remaining disturbance on the permit at the end of this phase would be the areas associated with the drainage control structures and access roads.

According to the applicant, the purpose of the project is to construct valley fills to dispose of excess overburden spoil generated by surface mining operations into waters of the United States in order to achieve optimal recovery of available coal reserves within the project area and to provide the mandatory sediment control and access.

Plans of the proposed work are attached to this notice.

MITIGATION PLAN: The applicant has submitted a conceptual mitigation plan to compensate for permanent and temporary impacts to waters of the U.S. regulated by the Department of the Army, Corps of Engineers.

To compensate for permanent impacts to jurisdictional streams, the applicant proposes to mitigate on-site through in-kind establishment of 2,265 feet of stream channels within the watersheds of the 1st Right of Mud River below Connelly Branch, 1st Left of Mud River above Connelly Branch, and 3rd Left of Mud River above Connelly Branch. The established channels would connect to Mud River of the Guyandot River, a navigable water of the U.S. Additionally, the applicant proposes to reestablish and/or enhance 18,350 linear feet of stream channels in areas located on adjacent permitted areas (Permit No. S-5080-88, Ballard Fork – Pit No. 11 Surface Mine). The applicant proposes to permanently protect the mitigation sites via a deed restriction.

To compensate for temporary impacts to jurisdictional streams, the applicant proposes to perform stream channel restoration in the temporarily disturbed segments of the sediment pond areas and associated drainage corridors and access haul road and the mined through areas upon reclamation of the site. Approximately 4,660 linear feet of affected stream channels would be restored to their pre-mining conditions. Rosgen natural stream techniques would be used in the design of the restoration sites. A 50-foot vegetated riparian zone would be established along the restoration sites.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the West Virginia Department of Environmental Protection.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be sent to the State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.


ENDANGERED/THREATENED SPECIES REVIEW: The Huntington District has consulted the most recently available information and has determined the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species, which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If you have any questions concerning this public notice, please call Mrs. Teresa Spagna of the South Regulatory Section at 304-399-5710.


Ginger Mullins, Chief
Regulatory Branch

(W)

Table A

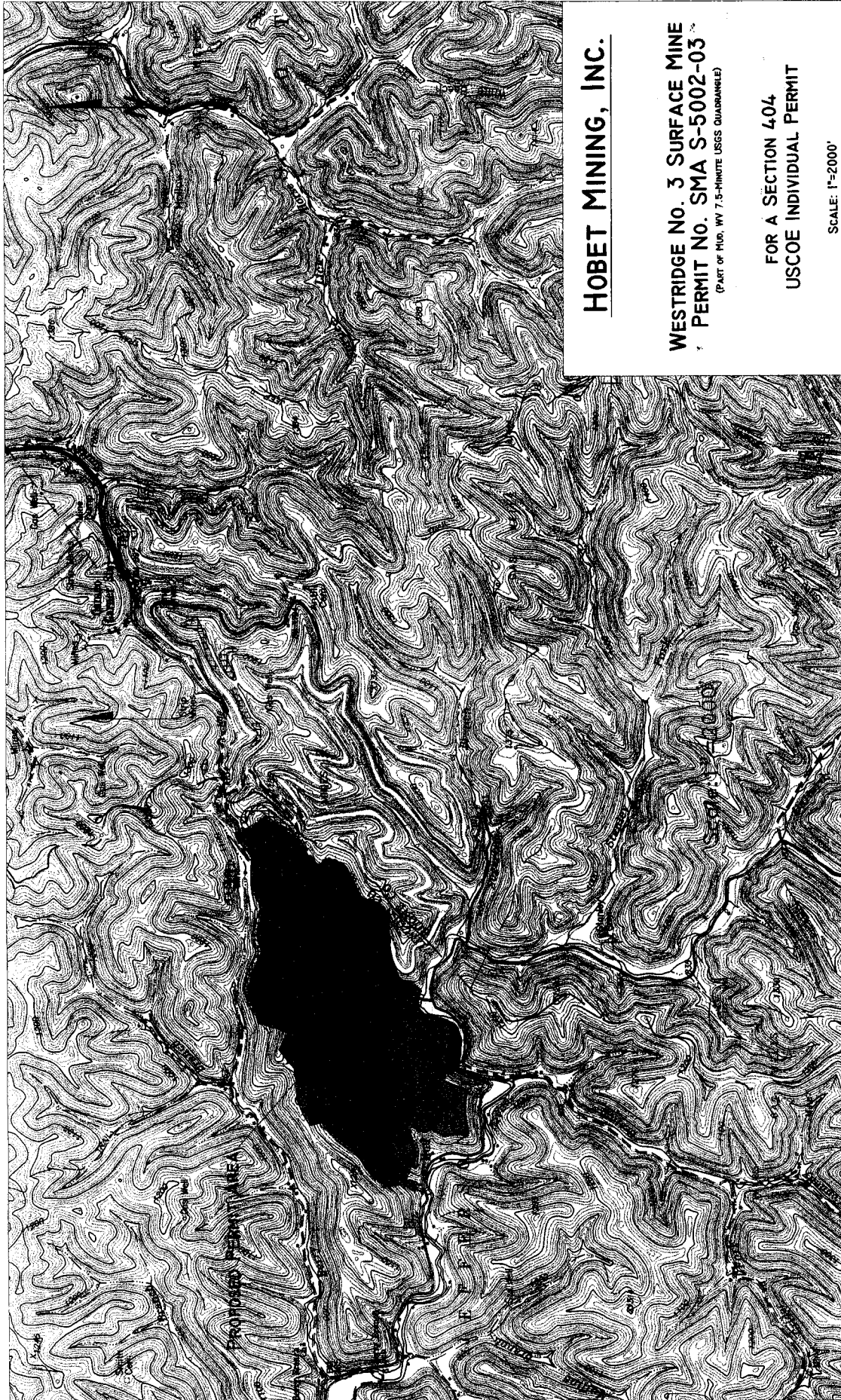
Type of Discharge	Structure Identification	Contributing Drainage Area, acres
Permanent	Valley Fill No. 1	107.0
Permanent	Valley Fill No. 2	57.0
Permanent	Valley Fill No. 3	240.0
Permanent	Road Fill No. 1	33.9
Temporary	Pond No. 1	115.0
Temporary	Haulroad No. 1	59.0
Temporary	Pond No. 3	243.0
Temporary	Pond No. 4	35.09

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Table B

Mining Activity	Stream Location	Linear Feet	Acres	Stream Classification
Permanent Impacts				
Valley Fill No. 1	1 st Right of Mud River below Connelly Branch	1,169	0.171	Intermittent
		1,068	0.163	Ephemeral
	Unnamed Tributary of 1 st Right of Mud River below Connelly Branch	550	0.061	Ephemeral
Valley Fill No. 2	1 st Left of Mud River above Connelly Branch	1,840	0.210	Intermittent
Road Fill No. 1	2 nd Left of Mud River above Connelly Branch	835	0.094	Intermittent
Valley Fill No. 3	3 rd Left of Mud River above Connelly Branch	3,755	0.533	Intermittent
		655	0.024	Ephemeral
	1 st Right of 3 rd Left of Mud River above Connelly Branch	67	0.005	Intermittent
		177	0.010	Intermittent
	3 rd Left of 3 rd Left of Mud River above Connelly Branch	168	0.009	Intermittent
		92	0.003	Ephemeral
	2 nd Left of 3 rd Left of Mud River above Connelly Branch	909	0.098	Intermittent
		16	0.001	Ephemeral
	1 st Left of 3 rd Left of Mud River above Connelly Branch	1,524	0.194	Intermittent
		860	0.088	Ephemeral
Temporary Impacts				
Mined Through Area	1 st Right of Mud River below Connelly Branch	1,376	0.123	Ephemeral
	Unnamed Tributary of 1 st Right of Mud River below Connelly Branch	550	0.023	Ephemeral
	1 st Left of Mud River above Connelly Branch	319	0.021	Intermittent
		179	0.014	Ephemeral
	3 rd Left of Mud River above Connelly Branch	75	0.002	Ephemeral
Area associated with Pond No. 1 Construction	1 st Right of Mud River below Connelly Branch	309	0.040	Intermittent
Area associated with Road Construction	1 st Left of Mud River above Connelly Branch	165	0.096	Intermittent
Area associated with Pond No. 4 Construction	2 nd Left of Mud River above Connelly Branch	96	0.016	Intermittent
Area associated with Pond No. 3 Construction	1 st Right of 3 rd Left of Mud River above Connelly Branch	210	0.033	Intermittent

Table C

Type of Discharge	Structure Identification	Volume (yd ³)
Permanent	Valley Fill No. 1	208.9
Permanent	Valley Fill No. 2	232.8
Permanent	Valley Fill No. 3	736.7
Permanent	Road Fill No. 1	67.9
Temporary	Pond No. 1	6
Temporary	Haulroad No. 1	39
Temporary	Pond No. 3	9
Temporary	Pond No. 4	3

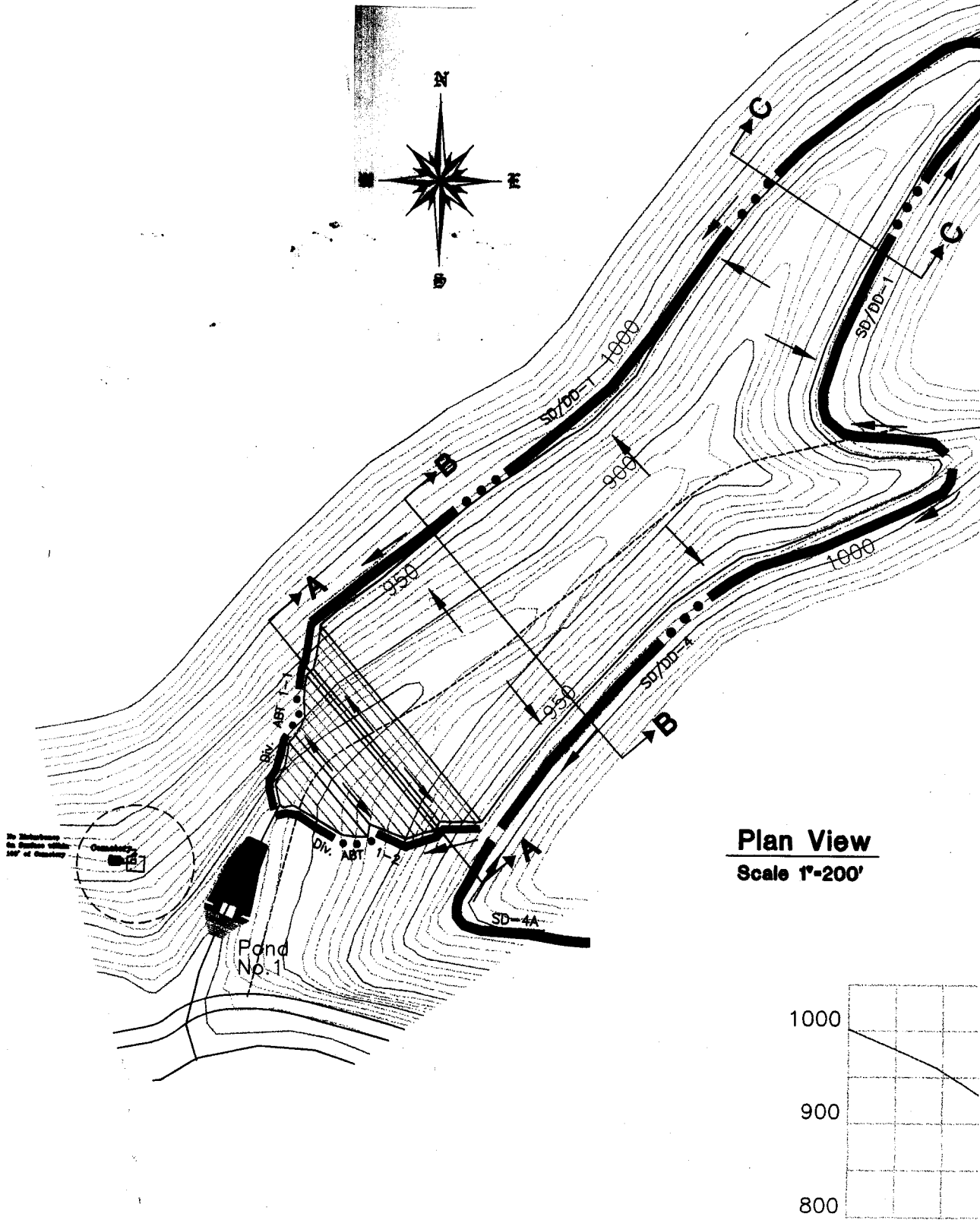


HOBET MINING, INC.

**WESTRIDGE No. 3 SURFACE MINE
PERMIT No. SMA S-5002-03**
(PART OF M.D. WV 7.5-MINUTE USGS QUADRAANGLE)

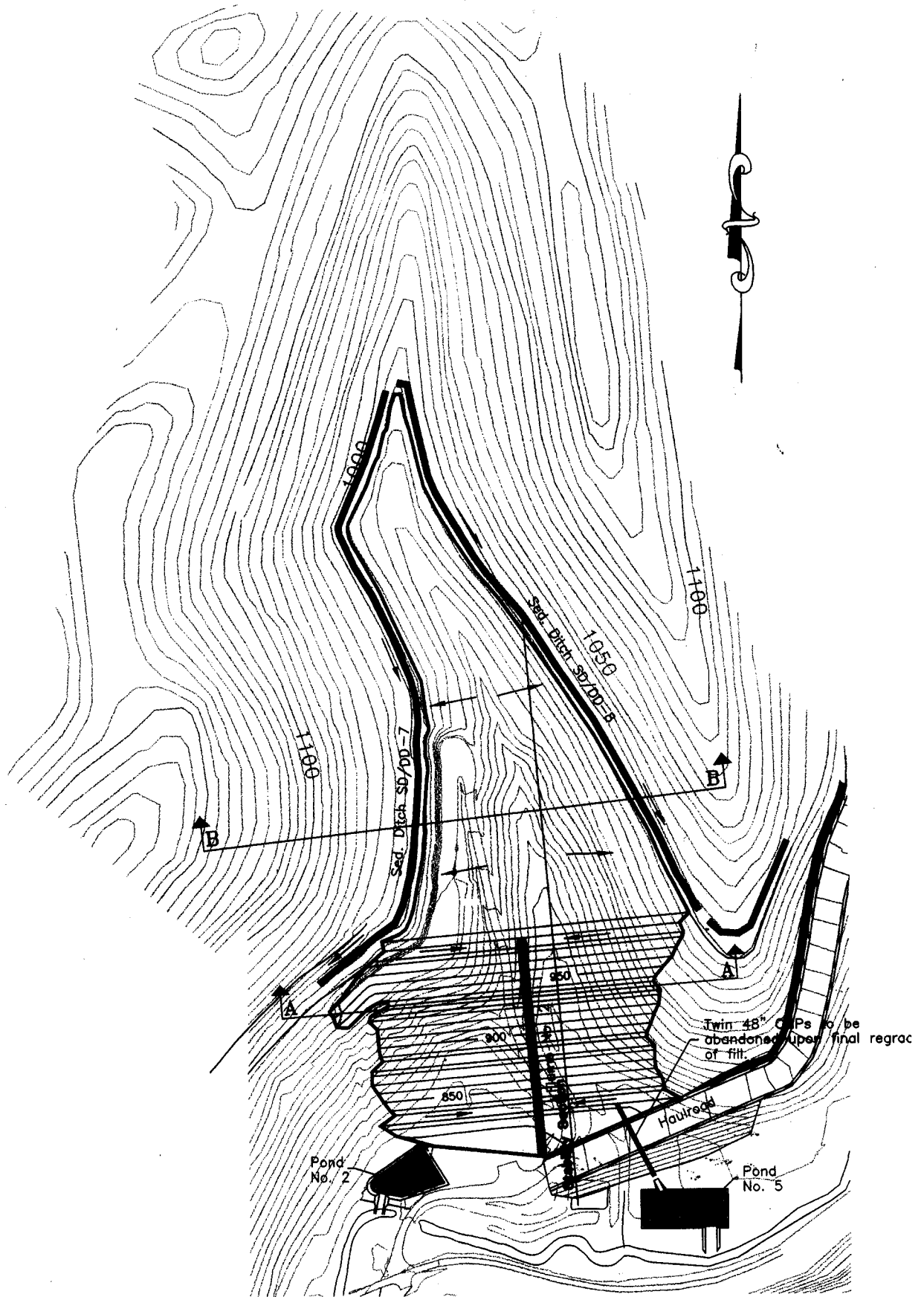
**FOR A SECTION 404
USCOE INDIVIDUAL PERMIT**

SCALE: 1"=2000'

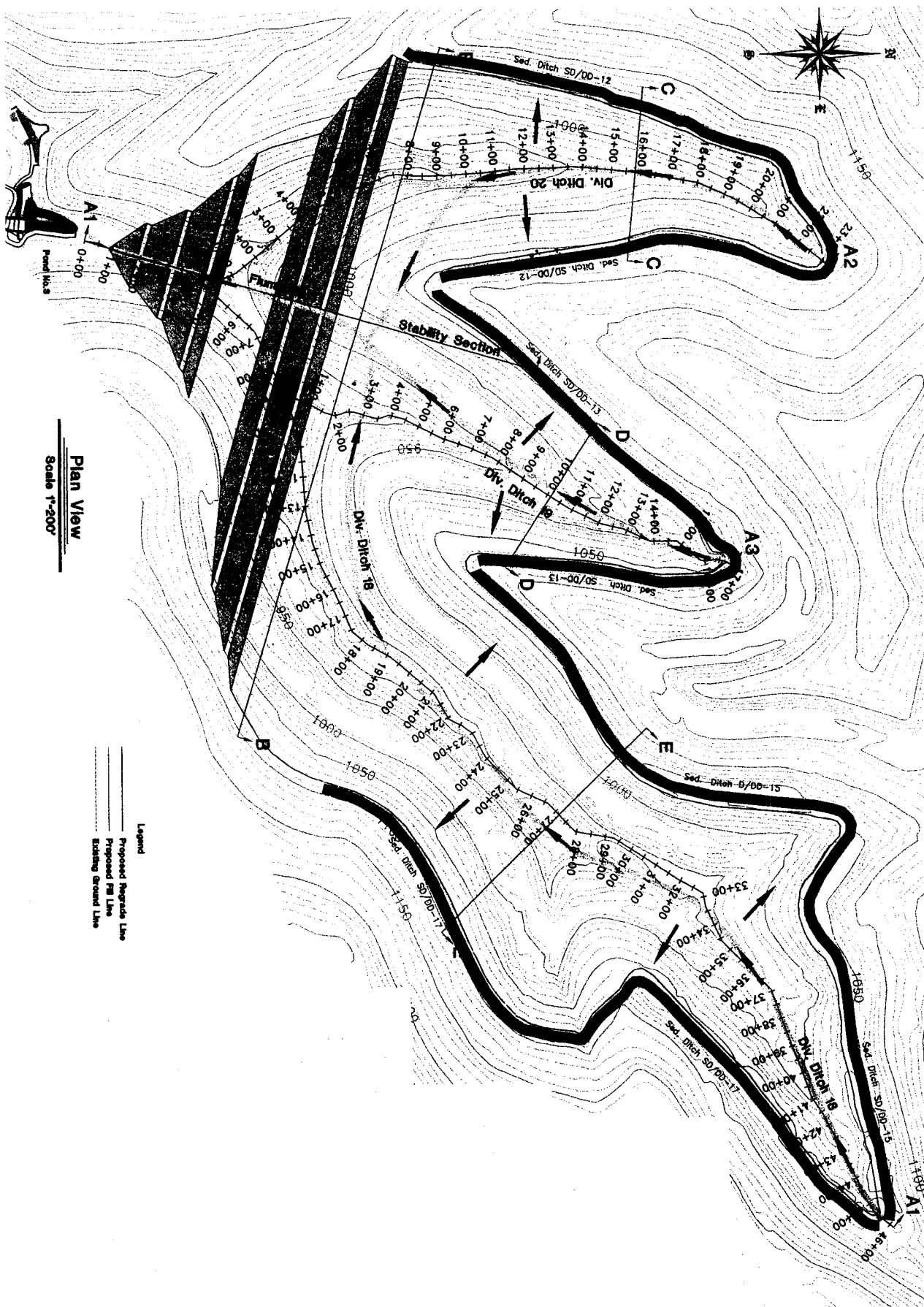


Plan View
Scale 1"=200'

Valley Fill NO. 1



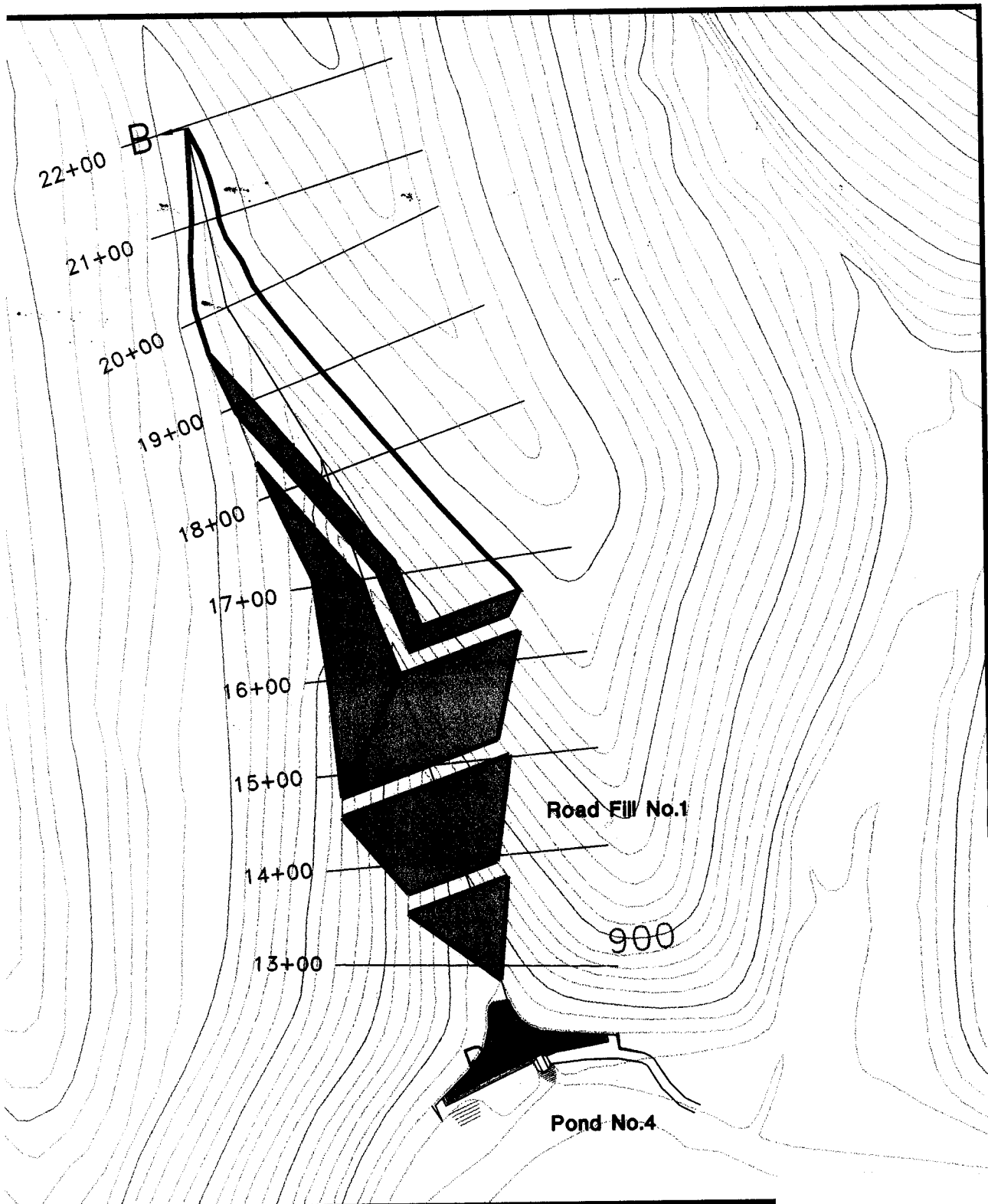
PLAN VIEW @ FINAL REGRADE
Scale: 1" = 200'



Scale 1"=100'

1150
1100
1050
1000
950

Valley Fill NO. 3



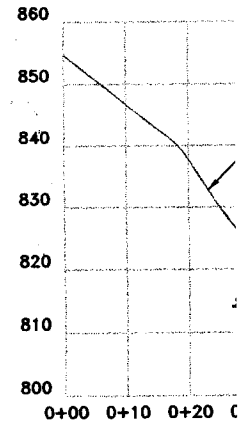
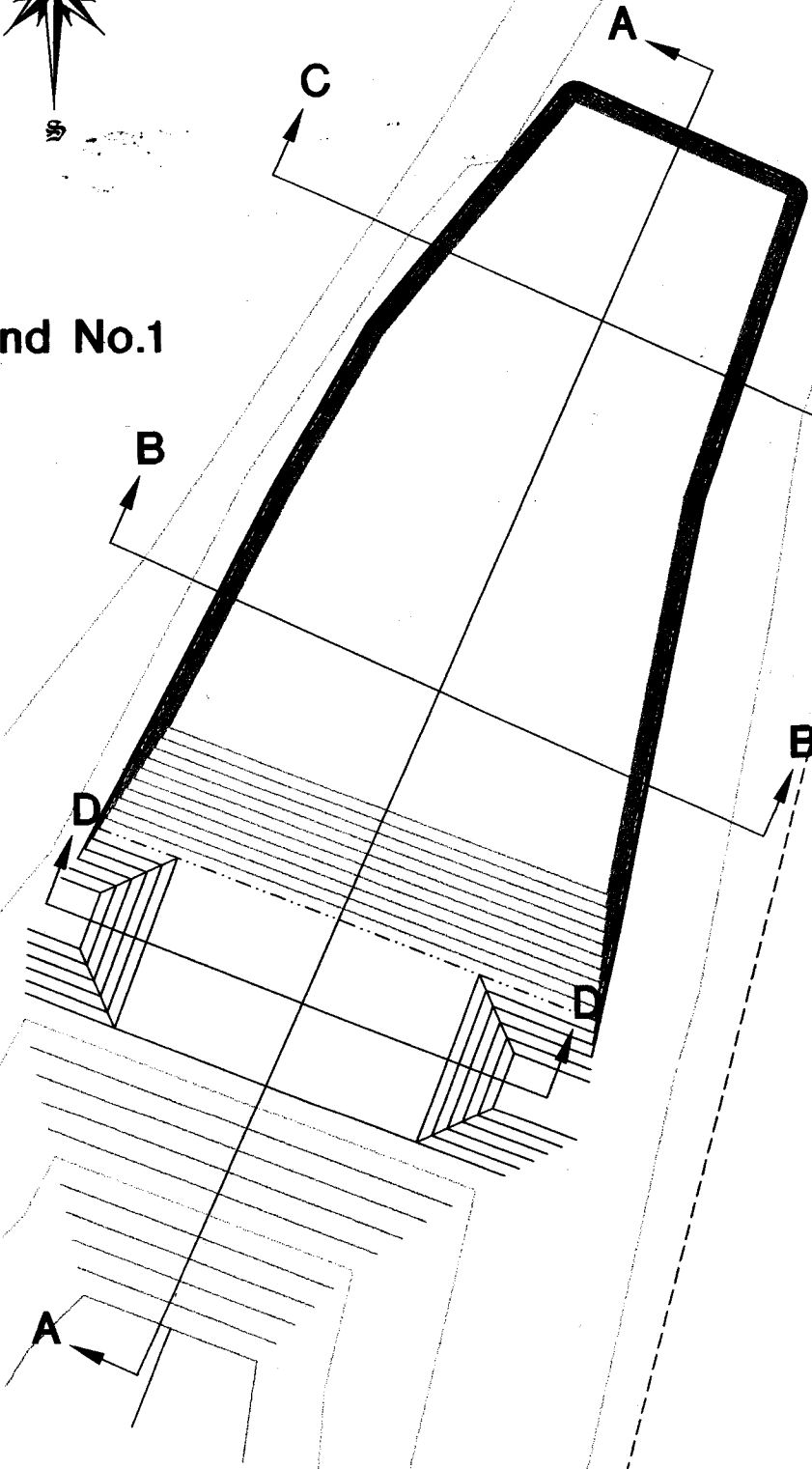
Plan View

Road Fill No. 1

Overall Minimum: X=132.0 Y=1210.0 R=370.0 FS=1.98 (Static)



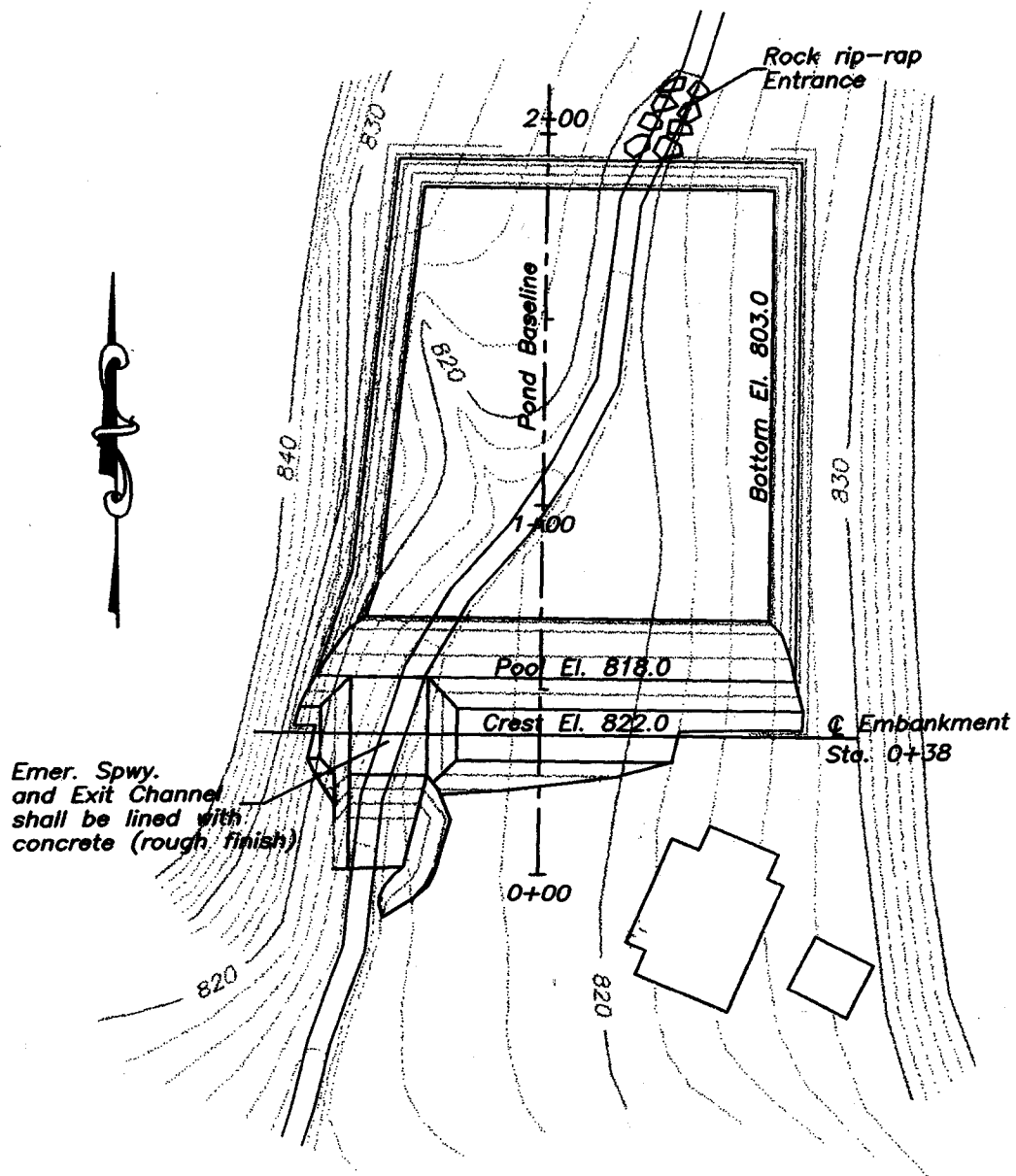
Pond No.1



V
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A
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F
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F

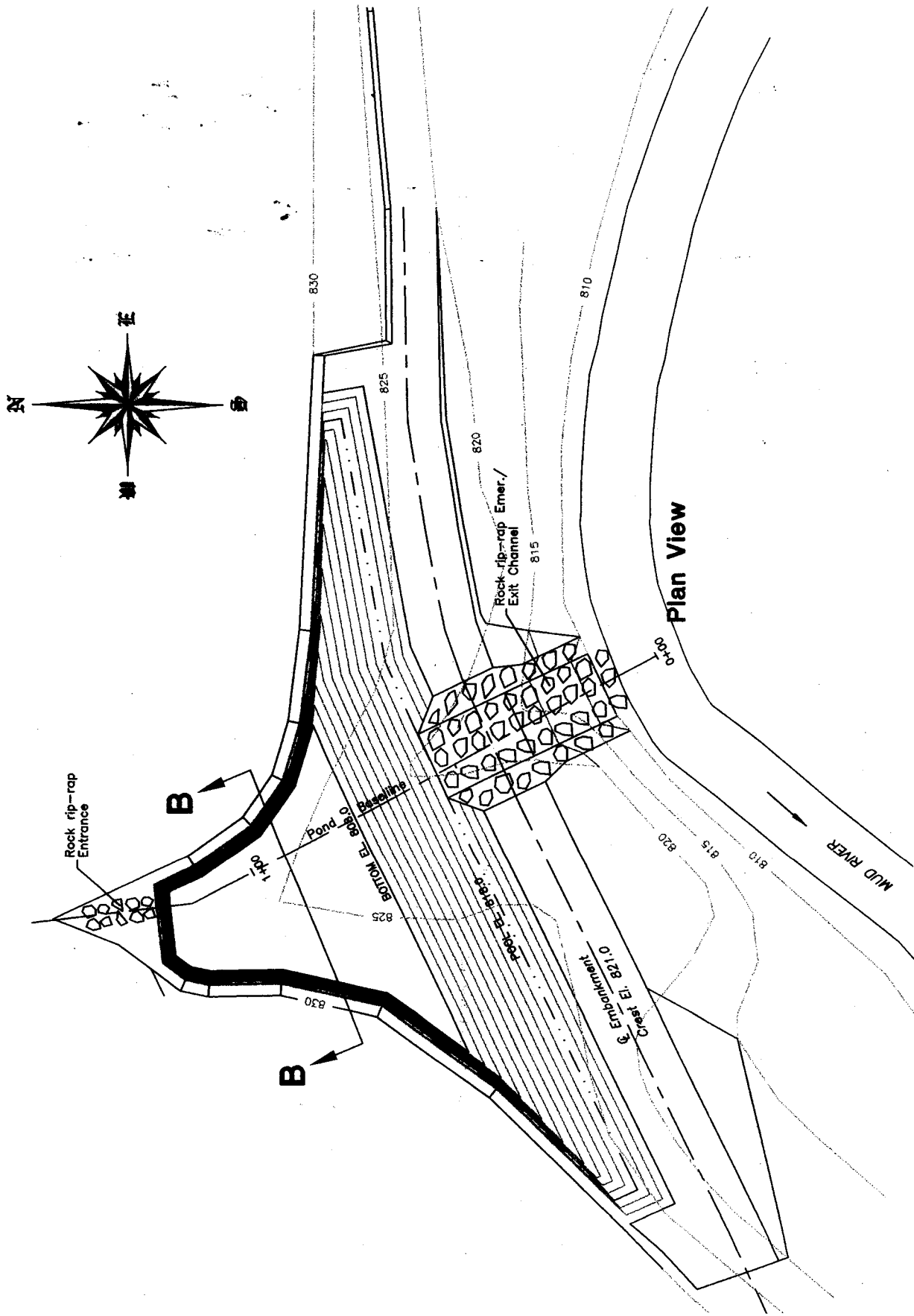
Plan View

Pond NO. 1

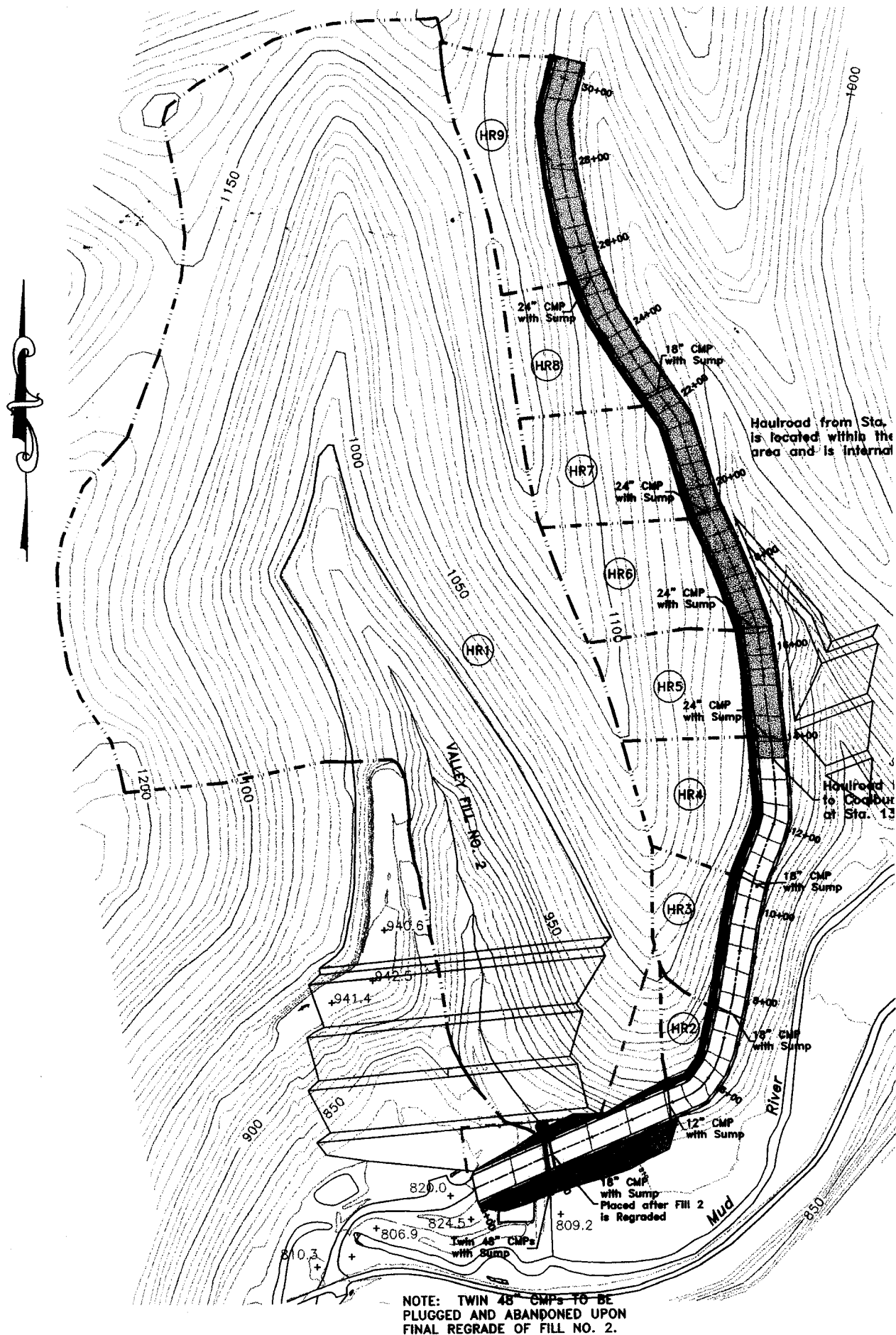


PLAN VIEW

Pond NO. 3



Pond NO. 4



NOTE: TWIN 48" CMPs TO BE
PLUGGED AND ABANDONED UPON
FINAL REGRADE OF FILL NO. 2.

PLAN VIEW

Scale: 1" = 200'

Haul Road NO. 1